



DEPARTMENT OF THE NAVY
NAVAL AIR SYSTEMS COMMAND
RADM WILLIAM A. MOFFETT BUILDING
47123 BUSE ROAD BLDG 2272
PATUXENT RIVER MD 20670-1547

IN REPLY REFER TO
Class J&A# 10-215C

CLASS JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Naval Air Systems Command Headquarters
2. Description of the Action Being Approved: This Class Justification and Approval (CJ&A) authorizes and approves the issuance of orders under Basic Ordering Agreement (BOA) N00019-10-G-0006. The BOA orders will be placed through FY 2015, and will be awarded on a sole source basis to the Raytheon Company for F/A-18 and EA-18G weapons systems and subsystems and associated supplies and services for the United States Navy (USN) and the Foreign Military Sales (FMS) programs under Program Management, PMA265. Authority to act under this CJ&A expires on 31 August 2015.
3. Description of Supplies/Services: Orders placed under this BOA will support the PMA265 Integrated Product Teams and include the following systems: the Advanced Targeting Forward Looking Infrared (ATFLIR); the Shared Reconnaissance Pod (SHARP) and SHARP Tactical Cueing System; the AN/ALR-67(V)3 Radio Detection And Ranging (RADAR) Warning Receiver; the AN/APG-65, 73, & 79 RADARs. Orders placed will also include depot-level repair for components and parts for the AN/APG-79 Active Electronically Scanned Array (AESA) RADARs. Supplies and services to be procured under the BOA may include the following: engineering investigations and the development of associated engineering change proposals; engineering and/or technical support; ground tests; antenna testing; fatigue tests and analysis; interchangeability assessments; ancillary equipment; computer software; feasibility studies; integration studies/efforts; test plans; laboratory stimulations; sensor integration; hardware modifications; spares; calibration; installations; configuration changes, including the manufacture, modification and installation of change kits; sustaining logistics and performance-based logistics efforts; contractor engineering technical support; contractor maintenance services; repair parts; support equipment; support and/or modification of support equipment; training support; development of training tools or analysis; data collection, processing, and analysis; and related program management. Additionally, the requirements under the BOA may include the development of associated technical, administrative, and financial data; the design, manufacture, assembly, installation and test of breadboards and/or prototypes; test equipment and test equipment modification and calibration; ancillary support; weapon test engineering support; support of systems and components undergoing engineering, technical, and material support; obsolescence; life of type parts; and redesigns. Orders may also be required for developing potential engineering changes to the following aspects of the F/A-18, EA-18G, and FMS weapons systems: operational readiness, reliability, and maintainability; aircraft/weapons

loading and/or configuration; government furnished equipment; ground support equipment; flying qualities; and performance capabilities.

Quantity and delivery requirements will be definitized in each order. The total estimated cost of the orders under this CJ&A is \$466,540,000. Orders under the BOA may be funded with _____ with an estimated funding budget listed in the following table:

Category	USN	FMS	Total
FA-18	1000000	1000000	2000000
FA-18C	1000000	1000000	2000000
Weapon Systems	1000000	1000000	2000000
Supplies	1000000	1000000	2000000
Services	1000000	1000000	2000000
Supporting Follow-on Raytheon Corporate BOA N90019-10-G-0006	1000000	1000000	2000000
Total	5000000	5000000	10000000

The requirements herein are covered under the F/A-18E/F Acquisition Plan AIR-93-16T (Revision 5, dated 29 JUL 2010) and EA-18G Acquisition Plan 265-2008-10-08R2 (dated 29 JUL 2010).

4. Statutory Authority Permitting Other Than Full and Open Competition: The statutory authority permitting other than full and open competition is 10 U.S. C. 2304(c)(1), as implemented by the Federal Acquisition Regulation (FAR) 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements."

5. Rationale Justifying Use of Cited Statutory Authority: Raytheon is the sole designer, developer, and manufacturer, with the intricate knowledge of various avionics, targeting, and sensor systems installed aboard the F/A-18 and the EA-18G weapon systems. As such, Raytheon is the only known firm that possesses the requisite knowledge, experience, skills, resources, and data to accomplish the requirements described in paragraph three of this CJ&A. The Government has limited technical data rights to the following systems: ATFLIR, SHARP (including the Tactical Cueing System) and the AN/APG-79 RADAR. Pursuing additional rights for the systems would be both cost prohibitive and unrecoverable. Raytheon estimated a cost of \$100 million for obtaining the SHARP data rights. In the case of the AN/APG-79 RADAR and ATFLIR, the Government would be unable to obtain data rights because Raytheon has communicated an unwillingness to sell them.

The acquiring activity has no plans to compete future production requirements for these systems or the associated supplies/services described in paragraph three because award to any other source would also cause unacceptable schedule delays in fulfilling Government requirements and result in substantial duplication of costs to the Government that would not ordinarily be recovered through competition. Procurement of supplies or services from another source would

add delays associated with coordinating aircraft modifications to accommodate new systems, procuring sufficient data rights and qualifying testing for a new manufacturing line, as well as writing additional publications. For example, the Government would incur approximately 1 duplicate costs and substantial schedule delays to award to another source for the AN/ALR-67V(3) system (the estimate was developed by AIR 4.2 Cost Department as part of a break even analysis in April 2010.) Therefore, NAVAIR has determined that Raytheon is the only responsible source capable of meeting the Government's needs by providing supplies and/or services within program cost and schedule constraints.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable: A market survey was not performed. However, prior orders for the supplies/services described in paragraph three have been synopsized. No other viable source has expressed an interest.

In accordance with 5.201 the proposed BOA was synopsized in FedBizOps for informational purposes on August 18, 2010. In accordance with FAR 5.201, each order will be synopsized on the FedBizOps website. The contracting officer will evaluate all responses received prior to award of each order. Additionally, any interested parties will be referred to Raytheon for possible subcontracting opportunities.

7. Determination of Fair and Reasonable Cost: In accordance with FAR 15.402(a), the contracting officer must ensure that all supplies and services ordered are procured at a fair and reasonable price. The contractor will submit cost and pricing data in accordance with FAR 15.402-4. Technical analysts and contract specialists will perform analyses of the proposals in conjunction with analyses from the Defense Contract Management Agency and Defense Contract Audit Agency, in accordance with FAR 15.404. The contracting officer will use cost and price analysis as the basis for negotiating a fair and reasonable price.

8. Actions to Remove Barriers to Future Competition: For the reasons set forth in paragraph five above, NAVAIR has no plans at this time to compete future contracts for the requirements covered in this document. If another potential source emerges, NAVAIR will assess whether competition for future requirements is feasible.

CERTIFICATIONS AND APPROVAL

TECHNICAL REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

PROGRAM MANAGER/DEPUTY PROGRAM MANAGER

Signature

Name (Printed)

Phone No.

Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Signature

Name (Printed)

Phone No.

Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

Signature

Name (Printed)

Phone No.

Date

SENIOR PROCUREMENT EXECUTIVE APPROVAL

Upon the basis of the above justification, I hereby approve, as Senior Procurement Executive of the Navy, the solicitation of the proposed procurements described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 52304(c)(1).

ASN (RD2A)

30 Aug 10
Date